

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ZESTY PAWS LLC,

Plaintiff/Counterclaim Defendant,

v.

NUTRAMAX LABORATORIES, INC. and
NUTRAMAX LABORATORIES VETERINARY
SCIENCES, INC.,

Defendants/Counterclaim Plaintiffs.

Case No. 1:23-cv-10849-LGS

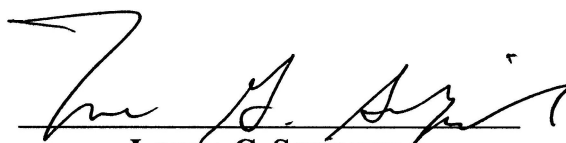
**NOTICE OF PLAINTIFF/COUNTERCLAIM DEFENDANT
ZESTY PAWS' MOTION TO EXCLUDE THE
REPORT AND OPINIONS OF NATHAN NOVEMSKY, Ph.D.**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Plaintiff/Counterclaim Defendant Zesty Paws LLC's ("Zesty Paws") Motion to Exclude the Report and Opinions of Nathan Novemsky, Ph.D. submitted in support of Defendants/Counterclaim Plaintiffs Nutramax Laboratories, Inc. and Nutramax Laboratories Veterinary Sciences, Inc.'s (collectively, "Nutramax Labs") Motion for a Preliminary Injunction, the Declaration of Richard A. Edlin in Support of Zesty Paws' Motion to Exclude the Report and Opinions of Nathan Novemsky, Ph.D. and exhibits thereto, Zesty Paws will, pursuant to Fed. R. Evid. 702, move this Court for an Order excluding the report and opinions of Nathan Novemsky, Ph.D., and for such other and further relief as this Court may deem just and proper.

Application **DENIED**. As explained in the Dkt. 73 order, because of the timing and nature of the preliminary injunction hearing, and because there is no jury and gate-keeping function, the Court will allow Novemsky's declaration. Any objections and challenges will go to the weight of the evidence. So Ordered.

The Clerk of Court is respectfully directed to close the motion at Dkt. 36.

Dated: February 1, 2024
New York, New York



**LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE**